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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
PATEL, AJIT

ART UNIT	PAPER NUMBER
2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/803,719

Applicant(s)

ELZUR, URI

Examiner

AJIT G. PATEL

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-27 is/are allowed.
- 6) ☒ Claim(s) 1-15, 28-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. Claim 33 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The recitation "out-of-order transport protocol segment and locating the self-describing header by using the located indicator; and directly placing data information stored in the out-of-order transport protocol segment in a ULP buffer or an application buffer using information residing in the self-describing header without waiting for other out-of-order transport protocol segments which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

2. following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3,14,15,28,33,37 are rejected under 35 U.S.C. 102(e) as being anticipated by Pinkerton (U.S.Pub. # 2003/0084185).

Regarding claim 1, Pinkerton discloses a method and apparatus for scaling TCP off load buffer requirement by segment size comprising a sender that adapts a transport protocol segment, wherein the transport protocol segment comprises a self-describing header (ULP PDU header) and an indicator, (marker)wherein the self-describing header is not part of a transport protocol header or a network protocol header of the transport protocol segment, and wherein the indicator is used to locate the self-describing header in the transport protocol segment indicates at least one of a presence and a location of the self describing header (para. 009; para. 0036). Same rejection is applicable for method claim 28. Regarding claim 33,37, locating the self-describing header by using the located indicator, and directly placing data information stored in the out-of-order transport protocol segment in a ULP buffer or an application buffer using information residing in the self-describing header without waiting for other out-of-order transport protocol segments (para. 0004).

Regarding claim 2, Pinkerton discloses wherein the sender can identify a sender upper layer protocol (ULP) message boundary and wherein the sender can use the identified ULP message boundary to encapsulate information into self-describing transport protocol segments (para. 0038-0040).

Regarding claim 3, Pinkerton discloses wherein the transport protocol comprises a transmission control protocol (TCP), and wherein the transport protocol segment comprises a TCP segment (para. 0034).

Regarding claim 14. Pinkerton discloses wherein the transport protocol segment is part of at least one of a byte stream and chunks (para. 0037).

Regarding claim 15, Pinkerton discloses wherein each transport protocol segment of the byte stream is self describing (para. 0044).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-13,29-32,34-36,are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinkerton.

Regarding claims 4,5,29, Pinkerton discloses all the subject matter as described in previous paragraph except the indicator resides in an options field of a TCP header of the TCP segment and the indicator is an option in the options field. However, inserting the indicator at any field (part) of the header would have been obvious to one skilled in the art since it depend on the system para. 0041).

Regarding claim 6, Pinkerton discloses all the subject matter as described in previous paragraph except the indicator resides in a reserved field of a TCP header of the TCP segment. However, inserting the indicator at any field (part) of the header would have been obvious to one skilled in the art since it depend on the system.

Regarding claim 7, it is well known in the art to use the reserve bit in the header of the packet to carry the control information (indicator).

Regarding claim 8, 30,31,32, Pinkerton does not specifically disclose the indicator

resides in a field residing in a TCP payload of the TCP segment. To insert the indicator at any location in the packet would have been obvious to one skilled in the art since it depend on the system.

Regarding claims 9,34, Pinkerton discloses self-describing header comprises control information used to place data information in the TCP segment (para. 0034).

Regarding claim 10, Pinkerton discloses the control information is used to delineate boundaries of a ULP payload of the TCP segment (para. 0036-para. 0041).

Regarding claims 11,12,13,35, Pinkerton discloses the self-describing header comprises information that is used to ensure correctness of at least one of the control information and a payload, the control information comprises at least one of a buffer location, an error detection code and an error correction code and the buffer location comprises an upper layer protocol (ULP) buffer location (para. 0038).

Regarding claim 36, Pinkerton does not specifically disclose the step of making a placement decision based on the determined control information. However, using the control information to make decision would have been obvious to one skilled in the art to make the system more reliable and efficient.

6. Claims 16-27 are allowed.

7. Applicant's arguments with respect to claims 1-37 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJIT G. PATEL whose telephone number is 571-272-3140. The examiner can normally be reached on MONDAY- FRIDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AP


Ajit Patel
Primary Examiner